

Senate Study Bill 1125 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act prohibiting employers from refusing to hire job
2 applicants based on certain criminal history and providing
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 84A.5, subsection 4, Code 2013, is
2 amended to read as follows:

3 4. The division of labor services is responsible for the
4 administration of the laws of this state under chapters 88,
5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
6 and 94A, and section 85.68. The executive head of the division
7 is the labor commissioner, appointed pursuant to section 91.2.

8 Sec. 2. Section 91.4, subsection 2, Code 2013, is amended
9 to read as follows:

10 2. The director of the department of workforce development,
11 in consultation with the labor commissioner, shall, at the
12 time provided by law, make an annual report to the governor
13 setting forth in appropriate form the business and expense of
14 the division of labor services for the preceding year, the
15 number of remedial actions taken under chapter 89A, the number
16 of disputes or violations processed by the division and the
17 disposition of the disputes or violations, and other matters
18 pertaining to the division which are of public interest,
19 together with recommendations for change or amendment of the
20 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
21 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68,
22 and the recommendations, if any, shall be transmitted by the
23 governor to the first general assembly in session after the
24 report is filed.

25 Sec. 3. NEW SECTION. 91F.1 Definitions.

26 As used in this chapter:

27 1. "Arrested" means the same as defined in section 804.5 and
28 includes taking into custody pursuant to section 232.19.

29 2. "Commissioner" means the labor commissioner, appointed
30 pursuant to section 91.2, or the labor commissioner's designee.

31 3. "Convicted" means a finding of guilt, irrespective of
32 imposition or execution of any sentence; a final and valid
33 admission of guilt or a guilty plea; an entry of judgment of
34 conviction; an adjudication of delinquency, including but not
35 limited to a juvenile who has been adjudicated delinquent, but

1 whose juvenile court records have been sealed under section
2 232.150; or a plea of guilty or consent agreement related to
3 a delinquency petition; and means any comparable offense for
4 which a conviction has been entered under prior law, or any
5 comparable offense for which a conviction has been entered in a
6 state, federal, military, or foreign court.

7 Sec. 4. NEW SECTION. **91F.2 Prohibited hiring practices.**

8 1. A person shall not refuse to hire an applicant for
9 employment because the applicant has been arrested for or
10 convicted of a public offense more than ten years before the
11 date of application for employment.

12 2. A person shall not directly or indirectly advertise or
13 in any other manner indicate or publicize that an individual
14 arrested for or convicted of a public offense more than
15 ten years before the date of application for employment is
16 unwelcome, objectionable, not acceptable, or not solicited for
17 employment.

18 Sec. 5. NEW SECTION. **91F.3 Penalties.**

19 A person violating this chapter shall be guilty of a simple
20 misdemeanor, and the commissioner shall assess a civil penalty
21 against the person in an amount not to exceed two hundred fifty
22 dollars for each violation. Civil penalties recovered pursuant
23 to this section shall be remitted by the commissioner to the
24 treasurer of state for deposit in the general fund of the
25 state.

26 Sec. 6. NEW SECTION. **91F.4 Rules.**

27 The commissioner shall adopt rules pursuant to chapter 17A
28 to administer this chapter.

29 Sec. 7. NEW SECTION. **91F.5 Inapplicability.**

30 1. This chapter does not apply to a public offense
31 the elements of which are substantially related to the
32 qualifications to perform the particular occupation for which
33 an applicant is applying.

34 2. This chapter shall not be construed to prohibit hiring
35 practices otherwise required by law.

1 EXPLANATION

2 This bill prohibits a person from refusing to hire an
3 applicant for employment because the applicant has been
4 arrested for or convicted of a public offense more than 10
5 years before the date of application for employment. The bill
6 also prohibits a person from directly or indirectly advertising
7 or in any other manner indicating or publicizing that an
8 individual arrested for or convicted of a public offense more
9 than 10 years before the date of application for employment is
10 unwelcome, objectionable, not acceptable, or not solicited for
11 employment.

12 The bill defines "arrested" as the same as defined in Code
13 section 804.5, the taking of a person into custody when and
14 in the manner authorized by law, including restraint of the
15 person or the person's submission to custody, as well as taking
16 a child into custody pursuant to Code section 232.19. The
17 bill defines "convicted" as a finding of guilt, irrespective
18 of imposition or execution of any sentence; a final and valid
19 admission of guilt or a guilty plea; an entry of judgment of
20 conviction; an adjudication of delinquency, including but not
21 limited to a juvenile who has been adjudicated delinquent,
22 but whose juvenile court records have been sealed under Code
23 section 232.150; or a plea of guilty or consent agreement
24 related to a delinquency petition; and means any comparable
25 offense for which a conviction has been entered under prior
26 law, or any comparable offense for which a conviction has been
27 entered in a state, federal, military, or foreign court.

28 A person violating the bill is guilty of a simple misdemeanor
29 and is subject to a civil penalty in an amount not to exceed
30 \$250 to be assessed by the labor commissioner. A simple
31 misdemeanor is punishable by confinement for no more than 30
32 days or a fine of at least \$65 but not more than \$625 or by
33 both.

34 The labor commissioner is directed to adopt rules to
35 administer the bill.

S.F. _____

1 The bill does not apply to a public offense the elements
2 of which are substantially related to the qualifications to
3 perform the particular occupation for which an applicant is
4 applying. The bill is not to be construed to prohibit hiring
5 practices otherwise required by law.